

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Zhaojin David Ke,

Plaintiff,

v.

CIVIL ACTION NO. 19-1695

Pennsylvania State Employees' Retirement  
System, Salvatore Darigo (in his official and  
individual capacities), and Gerald Villella.

Honorable Jennifer P. Wilson

Defendants.

**NOTICE OF APPEAL**

Pursuant to Third Circuit Local Appellate Rules 3.0, notice is hereby given that Plaintiff Zhaojin David Ke appeals to the United States Court of Appeals for the Third Circuit from ALL THE ISSUES dealt with within the memorandum order of May 5, 2020 (ECF NO. 14), made by the Honorable Jennifer P. Wilson, Judge, erroneously dismissing with prejudice all the meritorious claims of his First Amended Complaint (ECF NO. 8) in the United States District Court for the Middle District of Pennsylvania.

Specifically, plaintiff appeals the groundless dismissal of these well-alleged claims as contained in his First Amended Complaint:

COUNT I—DEPRIVATION OF DUE PROCESS IN VIOLATION OF THE  
FOURTEENTH AMENDMENT, ACTIONABLE THROUGH SEC. 1983, AGAINST  
SERS AND SALVATORE DARIGO,

COUNT II— DEPRIVATION OF HIS RIGHT TO EQUAL PROTECTION IN  
VIOLATION OF THE FOURTEENTH AMENDMENT, ACTIONABLE THROUGH  
SEC. 1983, AGAINST SERS,

COUNT III— STATE CREATED DANGER IN VIOLATION OF THE EQUAL  
PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT AGAINST SERS,

COUNT IV—SECTION 1983 CONSPIRACY AGAINST SALVATORE DARIGO  
AND GERALD VILLELLA,

COUNT V— CONTINUING VIOLATION OF THE REHABILITATION ACT OF 1973, SECTION 504 BY REMOVING 50% OF PLAINTIFF’S DISABILITY SUPPLEMENTAL AGAINST SERS,

COUNT VI—CONTINUING VIOLATION OF TITLE II OF THE ADA AGAINST SERS, AND

COUNT VII—INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (PAIN AND SUFFERING) AGAINST ALL DEFENDANTS

Additionally, plaintiff also appeals the Court’s decision not to serve, first, his complaint and, later, his First Amended Complaint on defendants since September 2019—as it has been inclined to nip his case in the bud before the Commonwealth defendants are disturbed—that have considerably harmed plaintiff’s due process right as he has been compelled to argue against the Court instead of defendants and since the Court’s argument has prejudiced him by developing argument on behalf of the attorney defendants against a pro se litigant.<sup>1</sup>

Respectfully submitted,

/s/ Zhaojin David Ke  
Zhaojin David Ke, PhD  
4025 Roosevelt Blvd.  
Philadelphia, PA 19124  
(814) 218-6905 (cell)

### **CERTIFICATE OF SERVICE**

The undersigned certifies that he has served a true and correct copy of the foregoing document upon the Honorable Jennifer P. Wilson through the Court’s e-filing system this May 22, 2020.

/s/ Zhaojin David Ke  
Zhaojin David Ke, PhD  
4025 Roosevelt Blvd.  
Philadelphia, PA 19124

---

<sup>1</sup> The Court erred right from the beginning when it allowed Magistrate Judge Arbuckle to act as a district court judge on plaintiff’s case without his consent. Judge Arbuckle propended to make a quick kill of the case, as he conceded in his ruling on plaintiff’s original complaint, citing time and costs as the reason. In doing so, Judge Arbuckle almost deliberately erred in factfinding and the application of the law. Given this, plaintiff respectfully requests the panel to look into the matter to determine if Judge Arbuckle has abused his discretion.